

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 98-0057 (PLF)
)	
MARIA HSIA,)	
)	
Defendant.)	
_____)	

ORDER

The Court and the Clerk's Office recently have received a number of inquiries regarding whether the trial exhibits in this matter are available for public inspection. Under the Local Rules of this Court, all exhibits that have been received in evidence, except for narcotics, weapons, money and items of high monetary value, are to be retained by the Clerk of the Court until verdict. See LCrR 56.2(a). For reasons of convenience and efficiency, however, the general practice of the Court has been to allow the parties to retain their exhibits until the close of all the testimony and the evidence is required for the jury during its deliberations. In view of the heightened public interest in the exhibits in this trial, and because the Court finds that the Local Rules as well as the common law contemplate that trial exhibits be available for public inspection, the Court will implement a procedure by which the exhibits in this case will be available through the Clerk's Office.

While the public's right of access to trial documents is not a constitutional right, the Supreme Court has recognized a general common law right to "inspect and copy public records and documents." Nixon v. Warner Communications Inc., 435 U.S. 589, 597 (1977). Although there is a

“presumption -- however gauged -- in favor of public access to judicial records,” this right of access is not absolute, and the Court may restrict access to documents when they might become “a vehicle for improper purposes.” Id. at 598, 602. In the end, the Supreme Court has noted that decisions regarding access to trial documents are “best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.” Id. at 599.

The Court does not find that there is any reason to limit public access to the documents or photographs that have been admitted in evidence in this case. With regard to Defendant’s Exhibit 36, a videotape of the visit of Vice President Albert Gore, Jr. to the Hsi Lai Temple in April 1996, however, the defendant has requested that it not be made publicly available until after the jury returns its verdict. Upon consideration of the defendant’s request (which is unopposed by the government), the Court will exercise its discretion not to make the tape available for public inspection and copying until after the jury renders a verdict in order to avoid the possibility that the jury will be influenced by the coverage of the videotape by the media. In view of the presumption in favor of public access, and in view of the language of LCrR 56.2 that assumes the retention of exhibits by the Clerk of the Court and their availability to the public, it is hereby

ORDERED that the proponent of each exhibit shall submit a copy of those exhibits already admitted in evidence, with the exception of the videotape labeled Defendant’s Exhibit 36, and every exhibit admitted henceforth to the Deputy Clerk. For exhibits already admitted, this shall be done by February 18, 2000. For exhibits that are admitted henceforth, the proponent of the exhibit shall submit a copy of the exhibit to the Deputy Clerk at the end of the day on which it is admitted in evidence; and it is

FURTHER ORDERED that copies of the exhibits shall be available upon request at a

cost from:

ITS, Inc.
1231 20th Street, N.W.
Washington, D.C. 20036
(202) 857-3837
mhsieh@itsdocs.com

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: